REMARKS

In accordance with the foregoing, claims 1, 4, 6, 10, 13, 15, and 18-21 are amended. No new matter is being presented, and approval and entry are respectfully requested.

Claims 1-8 and 10-21 are pending and under consideration. Reconsideration is respectfully requested.

Claim Amendments

Claim 1 is amended for form to clarify a local area information terminal includes "a channel retrieving unit comprising: a tuner, and a microprocessor connected to the tuner, the channel retrieving unit determining a free channel using the tuner in conjunction with the microprocessor, among broadcasting channels." Claims 4, 6, 10, 13, 15, and 18-21 are similarly amended. No new matter is being presented, and approval and entry are respectfully requested.

Rejection Under 35 U.S.C. §103

In the Office Action, the Examiner has rejected claims 1-8 and 10-21 under 35 U.S.C. §103(a) as being unpatentable over Ghori (U.S.P. 6,282,714) in view of combinations of newly-cited art Matsuda (U.S.P. 5,794,116), Maillet (U.S.P. 3,649,764), Spaur (U.S.P. 5,732,074), Chang (U.S.P 5,974,449), and Lange (U.S.P. 4,555,806). The rejection is traversed and reconsideration is requested.

Recited Features Not Taught By Even *Arguendo* Combination

Independent claim 1 recites a local area information terminal including "a file storing unit storing a file previously created; a channel retrieving unit comprising: a tuner, and a microprocessor connected to the tuner, the channel retrieving unit determining a free channel using the tuner in conjunction with the microprocessor, among broadcasting channels allocated to respective frequency bandwidths and retrieving the free channel through which no broadcasting is being conducted; a channel selecting unit making, when there exist a plurality of free channels, a transmitter automatically select a free channel starting from a lower-number channel; and a transmitting unit transmitting the file as broadcasting data stored in said file storing unit to within a local area via the selected channel, wherein the channel comprises a bandwidth defined per frequency of the broadcasting. (emphasis added)" Independent claims 4, 6, 10, 13, 15, and 18-21 have similar recitations.

Applicant submits that features recited by each of the independent claims are not taught by even an *arguendo* combination of the art relied on by the Examiner in support of the rejections. In particular, none of the cited art includes a tuner and in which the tuner is used in

conjunction with a microprocessor to determine the free channel.

The Action concedes that Ghori does not teach:

> a channel retrieving unit which determines a free channel though which no broadcasting is being conducted by using a tuner in conjunction with a microprocessor, selecting a free channel starting from a lower numbered channel or the channel's bandwidth is defined per frequency.

(Action at page 3).

However, the Examiner asserts that Matsuda teaches:

> a free channel packet is utilized to determine which channels other devices are transmitting on in order to determine an unused channel(. . ., thereby reducing data collisions) . . . Matsuda (1) inherently makes use of a tuner controlled by a microprocessor as Matsuda discloses that the terminals tune to multiple channels . . . and (2) determine which channels they are to broadcast on by processing received packetized information.

(Action at page 4).

Thus, the Examiner asserts that it would be obvious to modify Ghori with Matsuda:

> for the advantages of reducing collisions and enabling the terminal to communicate with a base station when it goes out of range of its original base station.

(Action at page 4).

Applicant submits that the Examiner's assertions regarding Matsuda are not correct.

Even given *arguendo* that the Examiner's contention that Matsuda inherently makes use of a tuner controlled by a microprocessor is correct, Applicant submits that the Examiner's contention that Matsuda uses this inherent tuner to "determine which channels they are to broadcast on by processing received packetized information" is not correct.

By contrast, Matsuda actually teaches:

> FIG. 3 shows a format of the video program menu packet 31 and the video data packet 32 which are transmitted by a base-station for video-data 15 in detail. Referring to (a) in FIG. 3, the video program menu packet 31 includes a first base-station for video-data ID part 311, a free channel flag part 312, and a program menu part 313. . . . The free channel flag part 312 stores flag information indicating the conditions of the respective channels 22 in the frequency spectrum 21 which is allotted to the base-station for video-data 15. The wireless video terminal 17 designates an unused channel by referring to this flag information, and receives the video data packet 32 transmitted on this unused channel. . . . The free channel flag part 312 in the video program menu packet 31 having the aforementioned structure is updated every time the base-station for video-data 15 distributes the video data packet 32 to the wireless video terminal 17.

(Emphasis added, col. 7 line 54- col. 8, line 11).

Further, Matsuda teaches:

> the control part 173 of the wireless video terminal 17A decides the channel 22 employed for receiving the video data packet 32 by referring to the free channel flag which is stored in the free channel flag part 312 (step S715). Then, the control part 173 creates the control signal packet 41, and the transmission part 172 transmits the packet to the base-station for control-data 19 (step S716).

(Emphasis added, col. 11, lines 8-18)

That is, even an *arguendo* combination of the art relied on by the Examiner does not teach the recited local area information terminal which includes both a tuner and in which the tuner is used in conjunction with a microprocessor to determine the free channel.

No Motivation To Modify The Art In A Manner As Suggested By The Examiner

The Action concedes that combination of Ghori and Matsuda does not teach "selecting a free channel starting from a lower numbered channel or the channel's bandwidth is defined per frequency." (Action at page 4).

However, the Examiner asserts that it would have been obvious to modify the combination of Ghori and Matsuda with the teachings of Maillet, thus reducing congestion, by allocating a lower numbered free channel. (Action at page 5).

Applicant submits there is no reasonable chance of success to modify the combination of Ghori and Matsuda with Maillet that is directed to a TDMA system. Applicant submits that is understood by one of ordinary skill in the art that a TDMA system is:

> A method of digital wireless communications transmission allowing a large number of users to access a single radio-frequency channel without interference.

(Emphasis added, See, for example Glossary at <<http://www.cnet.com /Resources/ Info/Glossary/Terms/tdma.html>>)

Accordingly, Applicant submits one of ordinary skill in the art would not look to modify Matsuda's system of video distribution with a TDMA based method of Maillet used on a radio frequency.

Summary

Since features recited by independent claims 1, 4, 6, 10, 13, 15, and 21(and respective dependent claims 2-3, 5, 7, 11-12, 14, and 16-20) are not discussed by the cited art, alone or in *arguendo* combination, and there is no motivation to combine the art in a manner as the Examiner contends, *prima facie* obviousness is not established, the rejections should be withdrawn and claims 1-8 and 10-21 allowed.

CONCLUSION

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot. And further, that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited by the Examiner contacting the undersigned attorney for a telephone interview to discuss resolution of such issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: February 9, 2001

By: Paul W. Bobowiec

Paul W. Bobowiec
Registration No. 47,431

1201 New York Avenue, NW, 7th Floor
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501